

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-25 remain pending in the application. By the foregoing amendment, claims 1, 5 and 8 are amended; and claims 15-25 are added.

Support for the Amended Claims

Applicants have disclosed a method for remotely controlling and/or regulating at least one system (see, e.g., abstract), in particular an industrial system using a communications device (2) which is assigned to the system (1), and at least one receiver device (3), information relating to the system being transmitted from the communications device (2) to the at least one receiver device (3), the information containing a validation code which is generated by the communications device (2), a message being received by the communications device (2), the communications device (2) extracting a check code and instruction information from the message according to a first extraction rule, the communications device (2) validating the message by means of the validation code and check code, and the instruction information being implemented by the system (1) only when the validation is successful.

Claims 15-25 are added. In addition to the generalized features as succinctly summarized above, exemplary support for certain pertinent features recited in the amended or new claims are exemplified as enumerated below:

Claim 1: wherein the information and the validation code are combined in accordance with a first combination rule [e.g., page 6, lines 33-35]; which validity information defines the limited period of validity of the validity code [e.g., page 7, lines 5-13 and 28-32].

Claim 5: the validity information is directly added to the validation code [e.g., page 10, lines 17-21], ...after decryption of the message or check code in the communications device, the validity information is available again in plain text and the validity information is not stored in the communication device [e.g., page 10, lines 17-21].

Claim 8: the receiver of the communication adds, in accordance with a third combination rule, a dispatcher information to the message which he generates [e.g., page 9, lines 26-29]; ...if the checking and/or the identification of the dispatcher were/was not successful, the instruction information is ignored [e.g., also, page 8, line 3 – page 9, line 29].

Claims 15 & 16: when the communication is dispatched, a copy of the validation code is stored so that it is available for the comparison when a message is received later, [e.g., page 7, lines 25-28] and the validity information is stored together with the validation code. [e.g., page 7, lines 31-32].

Claims 18 and 23: the validation code is valid once [e.g., page 7, lines 5, 9-13].

Claims 19 and 24: the validation code is generated by a random number generator [e.g., page 7, lines 5-9].

Claims 20 and 25: e.g., page 9, lines; and page 8, line 3 – page 9, line 29.

Claim 21: the validity information is directly added to the validation code [e.g., page 10, lines 17-21], ...after decryption of the message or check code in the communications device, the validity information is available again in plain text and the validity information is not stored in the communication device [page 10, lines 17-21].

Claims Rejections

As to be argued below, the foregoing features are broadly encompassed by the various independent claims, and are neither taught nor suggested by the documents relied upon by the Examiner in the Office Action.

Independent claims 1, 16 and 21: The Rogers et al. patent:

In numbered paragraph 2, pages 2-6 of the Office Action, independent claim 1, along with various dependent claims, is rejected as being anticipated by U.S. Patent 6,301,484 (Rogers et al.). This rejection is respectfully traversed.

The Rogers et al. patent discloses a method and apparatus for remote control of software and hardware features of a wireless communication device, such as a phone, to be remotely configured using Short Message Services (SMS). The SMS messages contain commands and a check code.

The Examiner relies on col. 7, lines 31-45 to assert that the Rogers et al. patent discloses that the communication comprises information relating to the system and a validation code, as recited in Applicants' claim 1. Applicants respectfully disagree with the Examiner's assertion. Rather, col. 7, lines 31-45 of the Rogers et al. patent relates to a phone receiving a Short Message Services (SMS) message: Specifically, the Rogers et al. patent discloses that for SMS message received by a phone (i) first 5 characters define message as "feature control message", (ii) next data field represents "model ID number", (iii) next is "minimum software version, (iv) last field is "exact software version field", which can be a true or false value, as shown in the flow charts of Figs. 1A and 1B. However, the message content of the Rogers et al. disclosure relates to Short Message Services to check code to see if a control message is received for configuring the phone. This is not

the same as Applicants' communication comprising information relating to the system and a validation code. At least for these reasons, the Rogers et al. patent would not have taught or suggested that the communication comprises information relating to the system and a validation code, as recited in Applicants' claim 1. Independent claims 16 and 21 also recite similar features.

The Examiner relies on col. 5, lines 14-33 to assert that the Rogers et al. patent discloses a check code extracted according to a first extraction rule, as recited in Applicants' claim 1. Applicants respectfully disagree with the Examiner's assertion. Rather, col. 5, lines 14-33 relate to a phone receiving an SMS message, and checking to see if it is a feature control message. In contrast, Applicants have claimed that a check code is extracted according to a first extraction rule. A phone performing a feature control routine as shown in Figs. 1A-1B of the Rogers et al. patent would not have taught or suggested a check code being extracted according to a first extraction rule as recited in Applicants' claim 1. Independent claims 16 and 21 also recite similar features.

Further, the Rogers et al. patent would not have taught or suggested "by means of the validation code and the check code it is checked whether the message originates from a receiver of the communication," as recited in Applicants' claim 1, and as similarly recited in claims 16 and 21. The Rogers et al. patent does not teach that its phone sends a "communication" containing system information about its phone and a validation code to a provider. Further, even if the Examiner is to somehow broadly read Rogers et al. disclosure, the Rogers et al. patent does not teach or suggest a provider sending back a "message" containing instruction information and a check code upon reception of the communication. Rather, col. 5,

lines 34-35 of the Rogers et al. patent relate to the check code only for determining that the SMS message is a feature control message. Rogers does not explicitly teach that its phone sends a "communication" containing system information about its phone and a validation code to a provider.

The Examiner relies on col. 6, lines 5-29 to assert that the Rogers et al. patent discloses wherein the validation code has a limited period of validity and wherein a validity information is added to the validation code, which validity information defines the limited period of validity of the validity code, as recited in Applicants' claim 1. Applicants respectfully disagree with the Examiner's assertion.

The Rogers et al. patent discloses at col. 6, lines 15-29 that a last field (iv) determines whether or not an exact software version must be used or not. This may depend on the specific feature control message and may change with time back and forth. Therefore, there is no time limit of validity, but rather a situation-specific limit of validity. Furthermore, the validity relates to the check code present in the "message", not to a validation code contained in a "communication" from its phone and, in form of check code, back to the phone. At least for these reasons, the Rogers et al. patent also would not have taught or suggested wherein the validation code has a limited period of validity and wherein a validity information is added to the validation code, which validity information defines the limited period of validity of the validity code, as recited in Applicants' claim 1. Independent claims 16 and 21 also recite similar features.

For the above reasons the independent claim 1, along with newly added independent claims 16 and 21, are allowable. The remaining dependent claims

recite additional advantageous features which further distinguish over the documents relied upon by the Examiner.

Dependent Claims 2 and 3

Regarding Applicants' dependent claim 2, the Rogers et al. patent does not teach the method as claimed in claim 1, wherein the validity information is appended to or is prefixed to the validation code.

Regarding Applicants' dependent claim 3, the Rogers et al. patent does not teach the method as claimed in claim 1, wherein the validation code is valid once. Rather, col.5, lines 47-53 of the Rogers et al. patent discloses that model ID number of receiving phone is checked and message is deleted if received model ID number does not match. Model ID number received by phone cannot be identified with validation code to be sent by phone. Model ID number can only be identified with check code or part of check code. Further, the Rogers et al. patent does not teach a validity information to be added to and transmitted together with validation code. Rather, Model ID number determines whether the message is valid or invalid for this phone, but not for a single message. If the Model ID number is correct, it will remain so also for future messages.

At least for these additional reasons, dependent claims 2 and 3 are allowable.

Claim 4: The Rogers et al. patent and the Takahashi patent

In numbered paragraph 4, page 6 of the Office Action, dependent claim 4 is rejected as being unpatentable over the Rogers et al. patent, and further in view of U.S. Patent 6,295,458 (Takahashi). This rejection is respectfully traversed.

On page 6 of the Office Action, the Examiner admits that "Rogers does not teach the validation code generated by a random number generator."

Applicants respectfully submit that the Takahashi patent does not cure the deficiencies of the Rogers et al. patent. The Takahashi patent discloses a device for automatically generating an addressee number to which an SMS is to be transmitted. In col. 6, lines 46-50 the Takahashi patent discloses a SMS addressee number generator which adds the country code to the telephone number. A country code is not a validation of a telephone number, but is part of a telephone number. Since the country code is a specific number, Takahashi does not at all teach to use a random number, to generate a random number, or to generate a validation code by a random number.

At least for these reasons, claim 4 is allowable.

Claim 14: The Rogers et al. patent and the Oinonen et al. patent

In numbered paragraph 5, page 7 of the Office Action, dependent claim 14 is rejected as being unpatentable over the Rogers et al. patent, and further in view of U.S. Patent 6,275,710 (Oinonen et al.). This rejection is respectfully traversed.

Claim 14 depends from claim 1. Applicants have argued above that the Rogers et al. patent does not teach or suggest the features recited in independent claim 1. Likewise, the Oinonen et al. patent was applied by the Examiner to reject the claim 14 dependent feature relating to a message being received via Internet, but was not applied to reject the features in independent claim 1, from which dependent claim 14 depends from.

At least for these reasons, the Rogers et al. patent and the Oinonen et al. patent, considered individually or in the combination as suggested by the Examiner, would not have taught or suggested the features of dependent claim 14.

Conclusion

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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